

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150
Closed Session Location - Room 141

TWO-DAY BOARD MEETING - FEBRUARY 7-8, 2002

FULL BOARD MEETING MINUTES**

FEBRUARY 7, 2002

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

William Elkins, Vice President
Florence Bos, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The Senate is scheduled to vote on the Memorandum of Understanding (MOU) between California State Employees Association and Department of Personnel Administration on February 12, 2002. The State Personnel Board opposed the "Post and Promote" provisions that would be enacted by this MOU.
- B. The Assembly Select Committee on Language and Access, and the Senate Committee on the Judiciary

** State Personnel Board Summary Minutes can be obtained at the following Internet address:
<http://www.spb.ca.gov/servicesrd.cfm>

will conduct a joint hearing on the implementation of the Dymally-Alatorre Bilingual Services Act on February 26, 2002.

- C. Senator Polanco has agreed to carry legislation revising the state civil service Equal Employment Opportunity laws.
- D. The Executive Officer and Grantland Johnson, Secretary of the Health and Human Services Agency, met with ecumenical leaders in Los Angeles to discuss their respective programs. The meeting was arranged by Board Member Bill Elkins.
- E. Marie Stone, a member of the State Personnel Board staff for nearly 30 years, has passed away.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation

- A. McSwain v. State Personnel Board (SPB)/Department of Water Resources - Court of Appeal affirmed trial court ruling upholding the Board's decision sustaining the dismissal of a Department of Water Resources employee who had secreted himself and fallen asleep in the women's restroom, among other incidents of misconduct.
- B. McKinstry v. State of California (State Personnel Board)/Youth and Adult Correctional Agency - Court of Appeal affirmed judgment of Superior Court upholding Board's decision sustaining employee's dismissal from position of Youth Correctional Officer. The dismissal was based on an incident where the employee waited for his ex-girlfriend outside her and her boyfriend's apartment, threatening to kill her and his lying about the incident.
- C. Jacob v. State Personnel Board/Department of Justice - This case is pending before the Court of Appeal but we are informed a settlement is being discussed.

- D. Kim v. State Personnel Board/Department of Parks and Recreation - Superior Court denied petition for writ of mandate filed by Kim after the Board sustained his dismissal based on his failure to follow his supervisor's clear instructions and his engaging in an unwarranted aggressive and violent attack upon his supervisor.
- E. State Personnel Board v. Department of Personnel Administration/International Union of Operating Engineers/California State Employees Association - The defendants have filed a notice of appeal in this action in which the Superior Court found Memorandum Of Understanding provisions for Bargaining Units 11, 12, and 13, which provide for binding arbitration of disciplinary actions unconstitutional.
- F. International Union of Operating Engineers (IUOE) v. Department of Personnel Administration/State Controller's Office/Department of Transportation - IUOE has filed a motion to confirm an arbitration award in the case of Mark Wellins. Arbitration was begun shortly before the arbitration process was declared unconstitutional and concluded after the injunction issued. The Board had previously denied approval of a settlement agreement arising out of the arbitration without prejudice to the parties' resubmitting the settlement agreement and confirming that jurisdiction over the matter is vested in the Board and no longer in the private arbitrator. Judge Gunther granted the Board's motion to intervene in the case, and the matter is set for hearing on February 8, 2002.
- G. Connerly v. State Personnel Board - Connerly has filed a petition for writ of mandate with the Superior Court to implement the Court of Appeal decision.

Other

The Select Appeals Panel on Policy, PRIDE, and Appeals met on January 30, 2002, to discuss a variety of subject matters. Minutes are being prepared and will be shared with the Board at their next meeting.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. Walter Vaughn, Executive Officer and Judy Balmain, Director of Legislation, met with Senator Polanco and Diana Rude' to discuss amending SB 1161 to include language that will bring statues into compliance with recent court cases.
- B. Senator Ackerman is considering authoring the Board's legislative proposal "Statue of Limitations."

The State Personnel Board voted on the following,
February 8, 2002:

SB 728 (Machado) - This is the Memorandum of Understanding (MOU) entered into between the state employer and State Bargaining Units 1, 3, 4, 11, 15, and 21. The Board is opposed to the language in the MOU that relates to Post and Bid/Promote.

VOTE: Alvarado, Elkins, Bos - Aye
Harrigan - No

5. HEARING - STATE PERSONNEL BOARD PROPOSES REGULATIONS TO CLARIFY AND CODIFY THE PROCESS FOR FILING, PROCESSING, HEARING, AND DECIDING COMPLAINTS OF WHISTLEBLOWER RETALIATION IN STATE SERVICE.

Persons Participating:

Richard Krupp, Staff Services Manager II, representing California Department of Corrections
Joanne Lowe, Deputy General Counsel, representing Department of Education
Marc Bautista, Division Officer, representing California State Employees Association (CSEA)
Scott Burns, President, representing California Attorneys, Administrative Law Judges and Hearing Officers (CASE)
Catherine Kennedy, Staff Counsel, representing Association of California State Supervisors
Bruce Monfross, Staff Counsel, State Personnel Board

ACTION: Submitted

6. HEARING - STATE PERSONNEL BOARD PROPOSES REGULATIONS TO CLARIFY THE DISCOVERY PROCESS THAT WILL APPLY TO EVIDENTARY HEARINGS CONCERNING SPECIFIED COMPLAINTS OR APPEALS, IN SOME CASES ALSO INVOLVING ALLEGED DISCRIMINATION OR RETALIATION.

Persons Participating:

Joanne Lowe, Deputy General Counsel, representing
Department of Education
Catherine Kennedy, Staff Counsel, representing
Association of California State Supervisors
Bruce Monfross, Staff Counsel, State Personnel Board

ACTION: Submitted

7. HEARING - STATE PERSONNEL BOARD (SPB) PROPOSES REGULATIONS TO IMPLEMENT THOSE PRACTICES AND PROCEDURES THAT SPB HAS DISCOVERED ARE MOST BENEFICIAL IN EFFECTING THE CONFLICT-RESOLUTION GOALS EMBODIED IN THE STATE EMPLOYEE MEDIATION PROGRAM.

Persons Participating:

Marc Bautista, Division Officer, representing CSEA
Bruce Monfross, Staff Counsel, State Personnel Board

ACTION: Adopted

VOTE: Elkins, Boss, Harrigan - Aye.

8. PRESENTATION OF SELECTION ANALYST CERTIFICATES - AWARDED TO AARON SANTOS, CHRISTINA LOPEZ, COLLEEN GRAHAM, DIERDRE D. GAINES, HUA CHU, JEANNE KRAUSE, JENNIFER ROCHE, JOYCE VIERRA, KAREN DEGUIRE, KARL JAEGER, LANA FAIRBANK, LINDA SARABIA, MABEL MIRAMON, ROBIN BOGDANICH, RUBY EWELL, AND TERESA FLORES.

ACTION: Awards Presented

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February 7, 2002

A D J O U R N M E N T

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150
Closed Session Location - Room 141

CONCURRENT BOARD MEETING MINUTES

FEBRUARY 8, 2002

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Sean Harrigan, Member

2. ORAL ARGUMENT

Oral argument in the matter of VICTOR FINK, CASE NO. 00-2363. Appeal from medical termination, demotion and transfer. California Department of Highway Patrol.

Persons Participating:

Marybelle Archibald, Deputy Attorney General,
representing California Highway Patrol
John Padrick, Attorney, representing appellant

ACTION: Submitted

3. ORAL ARGUMENT

Oral argument in the matter of MICHAEL MACKENZIE, CASE NO. 00-1817. Appeal from demotion. California Department of Corrections.

Persons Participating:

Vickie Brewer, Supervising Senior Staff Counsel,
representing Department of Corrections
Michael Mackenzie, appellant

ACTION: Submitted

4. HEARING - PSC 01-08: APPEAL OF THE CALIFORNIA SCIENCE CENTER FROM THE EXECUTIVE OFFICER'S AUGUST 23, 2001 DISAPPROVAL OF A CONTRACT BETWEEN CSC AND SWAYZER'S INC. FOR GROUNDS MAINTENANCE SERVICES AT EXPOSITION PARK, LOS ANGELES IN RESPONSE TO THE REQUEST FOR REVIEW SUBMITTED BY THE INTERNATIONAL UNION OF OPERATING ENGINEERS.

Persons Participating:

Adam Stern, Attorney, Law Office of Levy, Stern & Ford,
representing the International Union of Operating Engineers
Barrett McInerney, Labor Relations Counsel, Department of Personnel Administration

ACTION: Submitted

5. HEARING - PSC 01-06: APPEAL OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FROM THE EXECUTIVE OFFICER'S AUGUST 15, 2001 DISAPPROVAL OF A CONTRACT BETWEEN CALTRANS AND CHARLES SEIFERT & ASSOCIATES PURSUANT TO THE REQUEST OF THE CALIFORNIA STATE EMPLOYEES ASSOCIATION.

Persons Participating:

Harry Gibbons, Staff Attorney, California State Employees Association
Todd M. Van Santen, Deputy Attorney, Department of Transportation
Charles Seifert, Project Manager, Seifert & Associates

ACTION: Chief Counsel's office to prepare a resolution referring matter to an evidentiary hearing before an Administrative Law Judge.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

BOARD ACTIONS

6. STATE PERSONNEL BOARD SUMMARY MINUTES OF JANUARY 23, 2002

ACTION: Adopted on February 8, 2002.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

7. ACTION ON SUBMITTED ITEMS

ACTION: See pages 11-13

8. ADMINISTRATIVE LAW JUDGE CASES

On February 8, 2002, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

CHIEF COUNSEL RESOLUTIONS

ROSELLER FRASER, CASE NO. 00-4038

Submitted to the Board for approval
pursuant to Government Code Section 18681
Information Systems Technician
Department of Rehabilitation

ACTION: Approved, Precedential Decision No. 02-04**

MANUEL R. SANCHEZ, CASE NO. 99-1906

Appeal from dismissal
Employment Development Department

ACTION: Remanded to the Administrative Law Judge for further findings

PROPOSED DECISIONS

STEVEN A. CLINE, CASE NO. 00-3321B

Appeal for award of overtime compensation
police officer
San Diego State University
California State University

ACTION: Overtime compensation denied and shift differential granted

LOUISE DRAXLER, CASE NO. 00-3181

Appeal from demotion and transfer
Supervisor of Academic Instruction
at Coalinga State Prison,

to the position of Vocational Instructor at Corcoran
State Prison Department of Corrections
ACTION: Demotion and transfer sustained

SUSAN E. LINDSAY, CASE NO. 01-1608
Appeal from rejection during
probationary period
Assistant Caltrans Administrator
Department of Transportation
ACTION: Rejection during probationary period denied

SHEILA MASON, CASE NO. 01-1476
Appeal from dismissal
Senior Psychiatric Technician
Department of Mental Health
ACTION: Dismissal sustained

YVONNE MORTEN, CASE NO. 01-1732
Appeal from rejection
During Probationary Period
Psychiatric Technician
Department of Developmental Services
ACTION: Appeal granted and rejection during probationary
period set aside. Chief Counsel's office to prepare a
special resolution.

CAMISHA WARD-JONES, CASE NO. 01-3391
From rejection during probationary period
Motor Vehicle Field Representative
Department of Motor Vehicles
ACTION: Rejection during probationary period denied

AL WOERLY, CASE NO. 01-2968
Appeal from dismissal
Supervisor
Ironwood - State Prison
Department of Corrections
ACTION: Dismissal revoked

KENNETH EPPELHEIMER, CASE NO. 01-2610
Appeal from dismissal
Senior Psychiatric Technician
Eldridge - Developmental Center
Department of Developmental Services
ACTION: Dismissal revoked

SANDRA CROWELL, CASE NO. 01-2685
Appeal from five percent reduction in salary for six
months

Psychiatric Technician with
Pomona - Developmental Center,
Department of Developmental Services at Pomona
ACTION: Five percent reduction in salary for six months
revoked

ARBITRATION

ANTHONY PARISE, CASE NO. 01-3640
Appeal from three-working days suspension
Officer
California Highway Patrol
ACTION: Three-working days suspension sustained

PETITIONS FOR REHEARING

ROYCE HENSON, CASE NO. 99-4447
Appeal from demotion from the position
of Staff Services Manager II to
Associate Governmental Program Analyst
Department of Forestry and Fire protection
ACTION: Petition for rehearing filed by appellant denied

KIRK SANDEEN, CASE NO. 00-3024P
Appeal from constructive medical
termination
Janitor
Department of California Highway Patrol
ACTION: Petition for rehearing filed by respondent
denied

STIPULATIONS

JOAN BENNETT, CASE NO. 00-2567E
Submitted to the Board for approval
pursuant to Government Code Section 18681
Staff Counsel
Department of Social Services
ACTION: Stipulation approved by the Board

ANTONIO ARCHULETA, CASE NO. 01-2615
Submitted to the Board for approval
pursuant to Government Code Section 18681
Hydroelectric Plant Mechanic I
Department of Water Resources
ACTION: Stipulation disapproved by the Board,
Precedential Decision No. 02-01*

CHRISTIAN BANZET, CASE NO.01-2868
Submitted to the Board for approval
pursuant to Government Code Section 18681
Transportation Engineering Tech
Department of Transportation
ACTION: Stipulation disapproved by the Board,
Precedential Decision No. 02-01*

GREG FRANCIS, CASE NO. 01-3255
Submitted to the Board for approval
pursuant to Government Code Section 18681
Caltrans Equipment Operator II
Department of Transportation
ACTION: Stipulation disapproved by the Board,
Precedential Decision No. 02-01*

ANDREW MADISON, CASE NO. 01-4125
Submitted to the Board for approval
pursuant to Government Code Section 18681
Caltrans Landscape Maintenance Leadworker
Department of Transportation
ACTION: Stipulation disapproved by the Board,
Precedential Decision No. 02-01*

RAYMOND PROCHNOW, CASE NO. 01-2900
Submitted to the Board for approval
pursuant to Government Code Section 18681
Caltrans Landscape Maintenance Worker
Department of Transportation
ACTION: Stipulation disapproved by the Board,
Precedential Decision No. 02-01*

LARRY K. WATKINS, CASE NO. 01-4218
Submitted to the Board for approval
pursuant to Government Code Section 18681
Caltrans Highway Maintenance Worker
Department of Transportation
ACTION: Stipulation disapproved by the Board,
Precedential Decision No. 02-01*

9. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: See pages 14-16

*Adopted as Precedential Decision(s) # 02-01.

**Adopted as Precedential Decision(s) # 02-04.

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are

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CEB, toll free, at (800) 924-3924.]

10. WITHHOLD APPEALS

On February 8, 2002, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

HOWARD CARTER, CASE NO. 01-2185

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

JEROME CHULOS, CASE NO. 01-1302

Classification: Youth Correctional Officer

Department of the Youth Authority

ACTION: DENIED

LLOYD CONARD, CASE NO. 01-1692

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

IAN CONNERS, CASE NO. 01-0624

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

GUILLERMO ECHEVERRIA, CASE NO. 01-1419

Classification: Youth Correctional Officer

Department of the Youth Authority

ACTION: DENIED

SALVADOR ESTRADA, CASE NO. 00-4171

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

JOSEPH GORDON, CASE NO. 01-0553

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

WAYNE HAMBLIN, CASE NO. 01-2024

Classification: Youth Correctional Officer

Department of the Youth Authority

ACTION: DENIED

ELSA HERNANDEZ, CASE NO. 01-1568
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DENIED

SCOTT KELLY, CASE NO. 01-1417
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ERON LYKINS, CASE NO. 01-1292
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED

ALEXANDER RAMOS, CASE NO. 01-1409
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

MATTHEW SINCLAIR, CASE NO. 00-4169
Classification: Cadet, CHP
California Highway Patrol
ACTION: GRANTED

ERIK VASQUEZ, CASE NO. 01-0081
Classification: Cadet, CHP
California Highway Patrol
ACTION: DISMISSED

MARY ANN VERDERBER, CASE NO. 01-1319
Classification: Correctional Counselor I
Department of Corrections
ACTION: GRANTED

11. MEDICAL APPEALS

On February 8, 2002, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

ANDREA AHUMADA, CASE NO. 01-3009
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DISMISSED

ALEX HIDAS, CASE NO. 01-2111

Classification: Special Agent Trainee,
Department of Justice
ACTION: GRANTED

HOLLY KOCH, CASE NO. 01-2572
Classification: Correctional Officer
Department of Corrections
ACTION: RESCINDED

JUDE ONWUEMEKA, CASE NO. 01-2284
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ERICIA UPSON, CASE NO. 01-3556
Classification: Youth Correctional Counselor
Department of the Youth Authority
ACTION: DISMISSED

12. MINIMUM QUALIFICATIONS

On February 8, 2002, the Board adopted the following
decisions presented by Walter Vaughn, Executive Officer,
California State Personnel Board
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

(Minimum Qualification)
MICHAEL B. LORETTA, CASE NO. 00-3233
Classification: Staff Services
Manager II (Mgr1)
Board of Equalization
ACTION: GTANTED

13. REQUEST TO FILE CHARGES CASE

On February 8, 2002, the Board adopted the following
decisions presented by Walter Vaughn, Executive Officer,
California State Personnel Board
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

(Request to File Charges Case)
ELLA R. JONES, CASE NO. 00-3844
Classification: Medical Technical Assistant, CF
Department of Corrections
ACTION: DENIED

14. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY
UNDER CONSIDERATION

None submitted.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW CEA POSITIONS

- (1) DEPUTY DIRECTOR, EXHIBITS
The California Science Center's request to
allocate the above position to the CEA category
has been approved effective January 10, 2002,
for a period of 2 years.

ACTION: Noted

15. WRITTEN STAFF REPORT FOR BOARD INFORMATION

- A. A report to the Legislature concerning an updated
assessment of Bilingual Services in State
departments.

ACTION: Report Presented

A D J O U R N M E N T

SUBMITTED

1. STELLA OYEKA, CASE NO. 00-1045. Appeal from rejection during probation. Franchise Tax Board. (Written testimony presented November 6, 2001).

ACTION: On February 8, 2002, adopted Board decision to modify rejection during probation to a new six-month probationary period in the position of Tax Program Technician I.

VOTE: Elkins, Bos, Harrigan - Aye
Alvarado did not participate

2. MARK CHAMBERLAIN, CASE NO. 01-0740B. Appeal from backpay. Department of Mental Health. (Oral argument held November 6, 2001).*

ACTION: On February 8, 2002, adopted Board decision granting back pay from constructive leave of absence.

VOTE: Elkins, Bos, Harrigan - Aye
Alvarado did not participate

3. SUSAN BERGER-TULLY, CASE NO. 01-0489P. Appeal from rejection during probation. (Oral argument held November 6, 2001).

NO ACTION

4. JUDITH BECK, CASE NO. 00-3025. Appeal from constructive medical termination. Department of California Highway Patrol. (Oral argument held November 7, 2001).*

ACTION: On February 8, 2002, adopted Board decision granting appeal from constructive medical termination.

VOTE: Elkins, Bos, Harrigan - Aye
Alvarado did not participate

*Adopted as Precedential Decision(s) # 02-02 and 02-03.
[NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from

February 8, 2002

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5. ALAN DORAN, CASE NO. 00-3839. Appeal from five percent reduction in salary for six months. Department of Corrections. (Oral argument held January 8, 2002).

ACTION: On February 8, 2002, adopted Board decision modifying the five percent reduction in salary for six months to an official reprimand.

VOTE: Alvarado, Elkins, Bos - Aye. Harrigan - Dissented.

6. SVETOZAR STUKOVSKY, CASE NO. 99-3583. Appeal from dismissal. Department of Corrections. (Oral argument held January 8, 2002).

NO ACTION

7. JONATHAN D. CARR, CASE NO. 00-4066. Medical Appeal: Cadet, CHP./State Personnel Board. (Written material presented to Board January 23, 2002.)

ACTION: On February 8, 2002, adopted Board decision granting appeal.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

8. EDWARD PIERCE, CASE NO. 01-1415. Withhold Appeal: Correctional Officer. Department of Corrections. (Written material presented to Board January 23, 2002.)

ACTION: On February 8, 2002, adopted Board decision denying appeal.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

9. State Personnel Board proposes regulations to clarify and codify the process for filing, processing, hearing, and deciding complaints of Whistleblower Retaliation in State Service. (Hearing held February 7, 2002).

NO ACTION

10. State Personnel Board proposes regulations to clarify the Discovery Process that will apply to evidentiary hearings

concerning specified complaints or appeals, in some cases also involving alleged discrimination or retaliation. (Hearing held February 7, 2002).

NO ACTION

11. VICTOR FINK, CASE NO. 00-2363. Appeal from medical termination, demotion and transfer. California Highway Patrol. (Oral Argument held February 8, 2002).

NO ACTION

12. MICHAEL MACKENZIE, CASE NO. 00-1817. Appeal from demotion. California Department of Corrections. (Oral Argument held February 8, 2002).

NO ACTION

13. HEARING - PSC 01-08: Appeal of the California Science Center (CSC) from the Executive Officer's August 23, 2001 disapproval of a contract between CSC and Swayzer's Inc., for grounds maintenance services at Exposition Park Los Angeles, in response to the request for review submitted by the International Union of Operating Engineers. (Hearing held February 8, 2002).

NO ACTION

14. EVELYN YOUNG, CASE NO. 00-3017. Classification: Supervising Governmental Auditor I, Department of Aging. Request to File Charges

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on February 8, 2002.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

CORRECTION

1. Please note the following correction to the Summary Minutes of January 23, 2002:

CHRISTOPHER J. RETTIG, CASE NO. 01-2258
Appeal from Dismissal
Officer
California Department of Highway Patrol
ACTION: Dismissal revoked